

U.S. Pat. Appl'n 10/823,013
Amendment under 37 CFR § 1.116

REMARKS

This Amendment is submitted in response to the Examiner's Office Action of December 20, 2004, and is believed to be fully responsive thereto. No new matter has been added to the application. It is believed that the claims, as presented, define over the art, either when the art is individually considered or even if combined with one another. Prompt and favorable action is respectfully requested.

The Examiner had previously indicated in the August 13, 2004 Office Action that Claim 5 was objected to but recited patentable subject matter and would thus be allowable if appropriately rewritten. Applicant now amends Claims 1, 10, and 12 to include all of the subject matter of Claim 5. Claim 1 is thus allowable. Claim 10 is merely a method claim version of Claim 1 and should also be allowable. In both of these claims, the word "hardness" was added to incorporate the previously omitted portion of Claim 5.

Claim 12 is extremely similar in scope to Claim 1. In Claim 1, the housing and penetrator are being claimed, whereas in Claim 12, only the housing is being claimed; the penetrator is an environmental element being acted upon by the claimed housing. Applicant has not only added the word "hardness" to Claim 12 but has also added the limitation of the penetrator having an annular flange so that Claim 12 more precisely resembles Claim 1.

Finally, Applicant has cancelled Claims 8, 9, and 11 drawn to the unelected embodiment of Fig. 6 and Claim 13 which was intended to cover both embodiments.

In view of the foregoing, Applicant submits that Claims 1-4, 6, 7, 10, and 12 as amended above recite patentable subject matter and that the application is in condition for allowance. Applicant respectfully requests a telephonic interview with the Examiner to discuss any further changes that might be deemed necessary. Prompt and favorable action toward the issuance of a patent is earnestly solicited. Applicant hereby petitions for any extension of time which may be

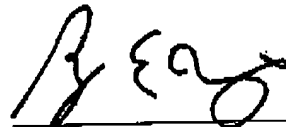
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required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: March 21, 2005

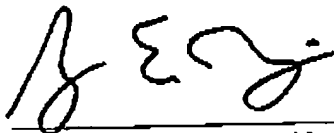
Respectfully submitted,

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CERTIFICATE OF FAX TRANSMISSION. I hereby certify that the attached correspondence, comprising **Amendment under 37 CFR § 1.116** for the above-referenced patent application, is being submitted and facsimile transmitted to the U.S. Patent and Trademark Office at Fax. No. **703-872-9306** on March 21, 2005.



By: Barry E. Negrin, Reg. No. 37,407

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